

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated September 26, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are currently pending. Claims 10-15 are withdrawn. Claims 17-20 are added by this amendment. By means of the present amendment, claims 1-9 and 16 are amended including for better conformance to U.S. practice, such as amending dependent claims to begin with "The" as opposed to "A", deleting unnecessary reference characters, as well as correcting certain informalities noted upon review of the claims. By these amendments, claims 1-9 and 16 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s), as well as acceptance of the drawings filed on 28 February 2005.

Applicants acknowledge that this Office Action is issued to reopen prosecution in view of the Appeal Brief filed on June 18, 2008 and assert new grounds of rejection. Although Applicants have responded to reopening of prosecution with the current Amendment and respond in the interests of cooperation and to advance prosecution to allowance, Applicants reserve their right to reinstate the appeal in due course, if desired.

In the Office Action, claims 1-3, 5, 6, 8 and 16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,479,528 to Speeter ("Speeter") in view of U.S. Patent No. 6,563,940 to Recce ("Recce"). In addition, claims 4, 7 and 9 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Speeter in view of Recce and further in view of U.S. Patent No. 6,515,586 to Wymore ("Wymore"). It is respectfully submitted that claims 1-9 and 16-20 are allowable over Speeter in view of Recce alone and in view of Wymore for at least the following reasons.

To begin, without reiterating arguments presented in the Appeal Brief with regard to the deficiencies of Speeter as applied to claims 1 and 8, it is undisputed that Speeter, at the very least, does not disclose "distribution of pressures" within the context of the claimed inventions (as acknowledged in the Office

Action). However, Recce is cited as allegedly curing the admitted deficiencies of Speeter with regard to "distribution of pressures." However, Applicants respectfully assert that reliance on Recce is misplaced.

Recce discloses a method for preventing unauthorized use of a handgun, for example, using a "pressure signature profile" designed to uniquely identify a user based on the manner in which a user grips/manipulates a gun handle and trigger. In particular, Recce discloses a gun handle having pressure sensors that output electrical signals which are processed to generate a composite "pressure signature profile" of a user based on (1) hand position of the user's handgrip on the gun handle , (2) pressure as a function of position on the gun handle and (3) pressure as a function of time. During operation, a comparator compiles a "pressure signature profile" of a person attempting to use the gun, and then compares the "pressure signature profile" with one or more stored pressure signature profiles (of authorized users) to determine whether a match exists. Upon finding a match, the person is deemed an authorized user of the weapon and a weapon control unit releases safety features to enable use of the gun. (See Abstract, Col. 3, lines 1-20 and Col. 7, lines 16-65.)

It is respectfully submitted that the system of claim 1 is not anticipated or made obvious by the teachings of Speeter in view of Recce. For example, Speeter in view of Recce does not disclose or suggest, a system that amongst other patentable elements, comprises (illustrative emphasis provided) "detecting a pressure distribution pattern which represents a distribution of pressure per unit area exerted by at least one foot of the person on a surface, ... and comparing a detected pressure distribution pattern with stored pressure distribution patterns..." as recited in claim 1 and as substantially recited in claim 8. Wymore is introduced for allegedly showing elements of the dependent claims and as such, does nothing to cure the deficiencies in each of Speeter and Recce.

The Office Action cites Col. 7, lines 17-32, of Reece as disclosing "detecting a distribution of pressures, exerted by at least one hand of a person on a surface." However, as noted above, Recce discloses (in the cited section) generating a composite "pressure signature profile" indicative of the manner in which the gun handle is gripped, which is not a "pressure distribution pattern" as claimed. Moreover, none of the constituent components of the "pressure signature profile" of Recce - (1) hand position of the user's handgrip (2) pressure as a function of position on the

gun handle and (3) pressure as a function of time - can be fairly characterized as a "pressure distribution pattern" which represents a distribution of pressure per unit area exerted by at least one foot of the person on a surface, as recited in claims 1 and 8.

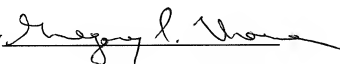
The Office Action further cites Col. 6, line 64, through Col. 7, line 8, of Recce as allegedly disclosing "comparing a detected pressure distribution pattern with pre-stored pressure distribution patterns ..." However, as noted above, Recce discloses comparing a composite "pressure signal profile" with a stored pressure signal profile to identify a user as an authorized user. Again, neither the "pressure signal profile" nor the constituent components thereof can be fairly characterized as a "pressure distribution pattern" as claimed.

Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 8 are patentable over Speeter in view of Recce and notice to this effect is earnestly solicited. Claims 2-7, 9 and 16-20 respectively depend from one of claims 1 and 8 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
December 22, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101